



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,502	01/24/2000	YASUO KONDO	10641-0001-3	5164

22850 7590 03/25/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/462,502

Applicant(s)

KONDO ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,3,5-17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>14</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. The 35 U.S.C. 102 rejection of claims 1, 3, 5, 12-17 and 19 as anticipated by Totani et al. of record in Paper #26, Pages 2-4, Paragraph # 4 has been withdrawn due to the Applicant's amendment in Paper #27.
2. The 35 U.S.C. 103 rejection of claims 6-11 over Totani et al. of record in Paper #26, Pages 5-6, Paragraph #6 has been withdrawn due to the Applicant's amendment in Paper #27.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the second wall portion" in line 11. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

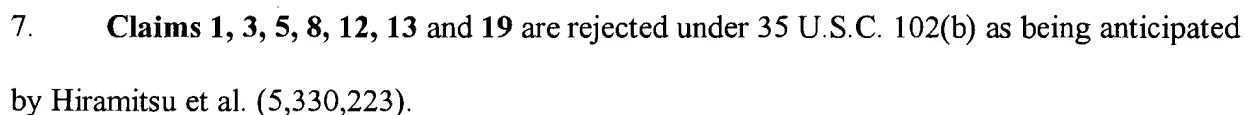
6. **Claims 1, 3, 5, 8, 12, 13 and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by Shiraki (5,069,477).

Regarding **claims 1, 12, 13 and 19**, Shiraki discloses a panel for an airbag of an automobile formed by integrally two-color molding a cover body (Figs. 1, 2 and 8, #20; also see col. 2, lines 58-59) made of a first synthetic resin with a main body (Figs. 1, 2 and 8, #30; also see col. 3, lines 3-6) made of a second synthetic resin which is harder than the first synthetic resin material (see col. 3, lines 5-6 and col. 4, lines 65-67), the panel comprising: a joint portion joined with the cover body (Figs. 1 and 8, #20) provided around an opening portion formed in the main body (see Fig. 1 below), wherein the joint portion constitutes an overlapping portion (see Fig. 1 below) in which an outer peripheral edge of the cover body overlaps and is provided on the inner side of an opening edge of the main body (Figs. 1 and 8, #30) and the overlapping portion is welded together in two-color molding in the main body with the cover body, further comprising a rib (Fig. 8, #33) projecting into the cover body on the rear face of a portion in which no first wall portion is formed; a connecting member (Fig. 8, #7) made of metal, extending from a side of the main body, and is connected to the rib; and a projection formed on a surface of the connecting member (Fig. 8, #7), the projection biting into a surface of the rib (Fig. 8, #33) when the connecting member is connected to the rib. Regarding **claim 3**, note, in Figure

Art Unit: 1772

1 shown below, a concavo-convex portion having a downwardly convex shape formed on a lower face of the main body (Fig. 1, #30). Regarding **claim 5**, note a surface of a periphery of the cover body (Fig. 1, #20) has a step portion (Fig. 1, #26) adjacent to the rear surface of the cover body and facing the edge of the opening portion of the main body, thereby, a groove portion (Fig. 1, #36) having a closed curve shape is formed in a boundary portion of an end portion of the opening portion of the main body (Fig. 1, #30) in the cover body (Fig. 1, #20), and a first wall portion which is thin and which ruptures (Fig. 1, #21) and a second wall portion which is at least 1.5 times as thick as the first wall portion and which does not rupture (Fig. 1, #31) at an operating time of the airbag are formed along the groove portion (Fig. 1, #36) in the cover body in a single line shape or a shape of plural continuous lines (see col. 3, lines 9-18). Regarding **claim 8**, note the second wall portion can be formed into a shape so as to have one transverse line on each of upper and lower sides of the cover body (Fig. 2), and the first wall portion is formed into a shape so as to have one longitudinal line on each of left-hand and right-hand sides of the cover body (Fig. 2); wherein a third wall portion (Fig. 2) which is thin and which is not formed along the groove portion is formed into a shape so as to have one transverse line in a central portion of the cover body; and wherein the first and third wall portions are formed into an H-shape (see col. 2, lines 58-68).

**FIG. 1**



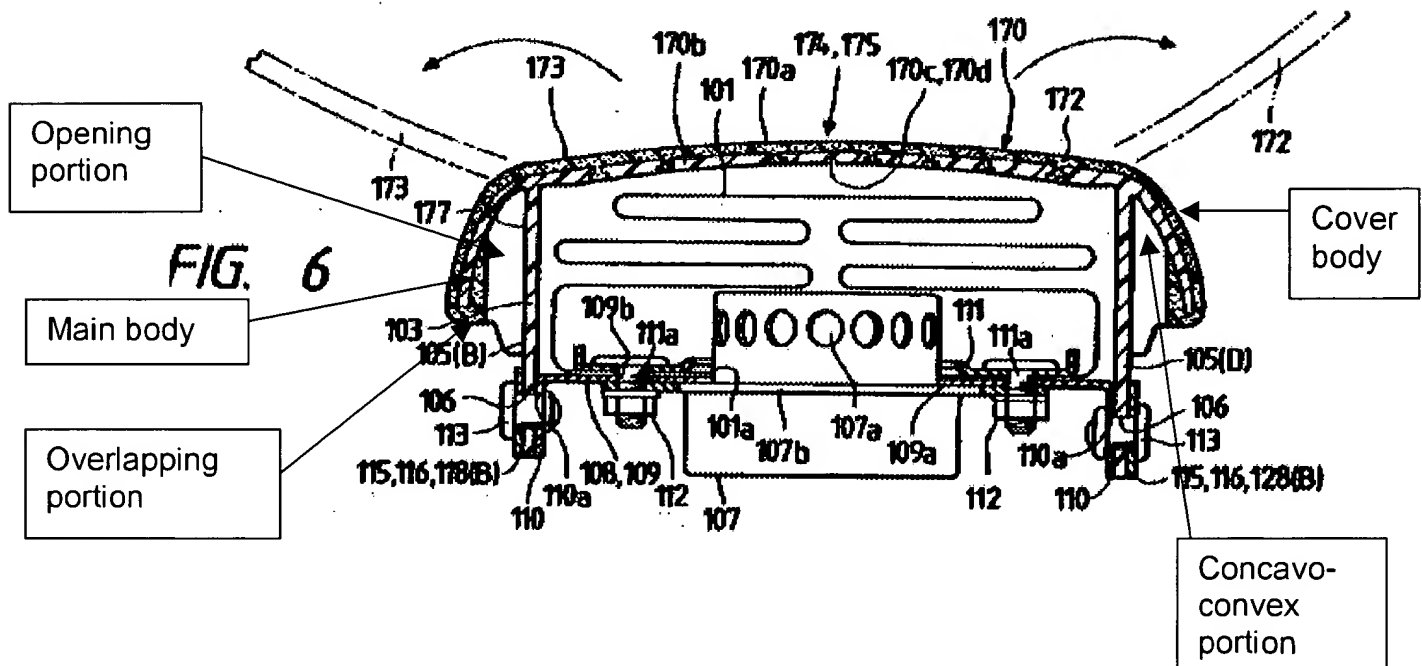
Regarding **claims 1, 12, 13 and 19**, Hiramitsu et al. discloses a panel for an airbag of an automobile formed by integrally two-color molding a cover body (Fig. 6, #170a) made of a first synthetic resin with a main body (Fig. 6, #170b) made of a second synthetic resin which is harder than the first synthetic resin material (see col. 8, lines 23-32), the panel comprising: a joint portion joined with the cover body (Fig. 6, #170a) provided around an opening portion formed in the main body (see Fig. 6 below), wherein the joint portion constitutes an overlapping portion

(see Fig. 6 below) in which an outer peripheral edge of the cover body overlaps and is provided on the inner side of an opening edge of the main body (Fig. 6, #170b) and the overlapping portion is welded together in two-color molding in the main body with the cover body, further comprising a rib (Fig. 6, #177) projecting into the cover body on the rear face of a portion in which no first wall portion is formed; a connecting member made of metal (Fig. 6, #113), extending from a side of the main body and is connected to the rib (Fig. 6, #177); and a projection formed on a surface of the connecting member (Fig. 6, #113), the projection biting into a surface of the rib (Fig. 6, #177) when the connecting member is connected to the rib.

Regarding **claim 3**, note, in Figure 1 shown below, a concavo-convex portion having a downwardly convex shape formed on a lower face of the main body (Fig. 6, #170b). Regarding **claim 5**, note a surface of a periphery of the cover body (Fig. 6, #170a) has a step portion adjacent to the rear surface of the cover body and facing the edge of the opening portion of the main body, thereby, a groove portion (Fig. 6, #170c) having a closed curve shape is formed in a boundary portion of an end portion of the opening portion of the main body (Fig. 6, #170b) in the cover body (Fig. 6, #170a), and a first wall portion which is thin and which ruptures and a second wall portion which is at least 1.5 times as thick as the first wall portion and which does not rupture at an operating time of the airbag are formed along the groove portion (Fig. 6, #170c) in the cover body in a single line shape or a shape of plural continuous lines (see col. 9, lines 53-68 and col. 8, lines 33-44). Regarding **claim 8**, note the second wall portion can be formed into a shape so as to have one transverse line on each of upper and lower sides of the cover body, and the first wall portion is formed into a shape so as to have one longitudinal line on each of left-hand and right-hand sides of the cover body; wherein a third wall portion which is thin and

Art Unit: 1772

which is not formed along the groove portion is formed into a shape so as to have one transverse line in a central portion of the cover body; and wherein the first and third wall portions are formed into an H-shape (see col. 8, lines 33-36).



8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an



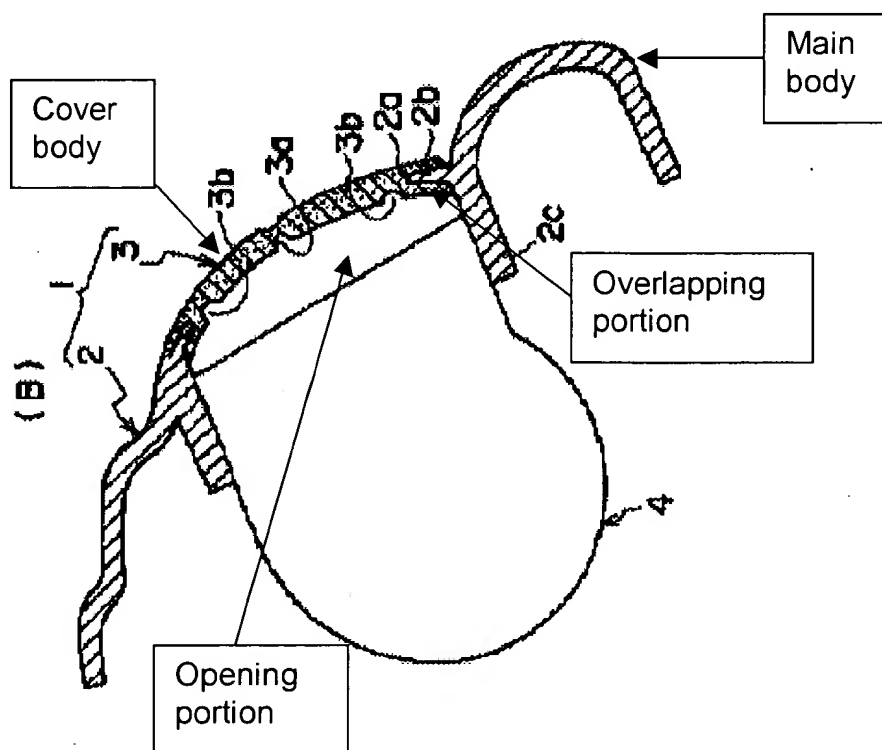
international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. **Claims 1, 5, 8 and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (10-076544).

Regarding **claims 1 and 13**, Saito discloses a panel for an airbag of an automobile formed by integrally two-color molding a cover body (Drawing 1, element 3) made of a first synthetic resin with a main body (Drawing 1, element 2) made of a second synthetic resin which is harder than the first synthetic resin material (see page 2, paragraph 0011, lines 1-4 and page 4, paragraph 0036, lines 7), the panel comprising: a joint portion joined with the cover body (Drawing 1, element 3) provided around an opening portion formed in the main body (see Drawing 1 below), wherein the joint portion constitutes an overlapping portion (see Drawing 1 below) in which an outer peripheral edge of the cover body overlaps and is provided on the inner side of an opening edge of the main body (Drawing 1, element 2) and the overlapping portion is welded together in two-color molding in the main body with the cover body. Regarding **claim 5**, note a surface of a periphery of the cover body (Drawing 1, element 3) has a step portion adjacent to the rear surface of the cover body and facing the edge of the opening portion of the main body, thereby, a groove portion (Drawing 1, elements 3a and 3b) having a closed curve shape is formed in a boundary portion of an end portion of the opening portion of the main body (Drawing 1, element 2) in the cover body, and a first wall portion which is thin and which ruptures and a second wall portion which is at least 1.5 times as thick as the first wall portion and which does not rupture at an operating time of the airbag are formed along the groove portion

Art Unit: 1772

(Drawing 1, elements 3a and 3b) in the cover body in a single line shape or a shape of plural continuous lines (Drawing 1(a), elements 3a and 3b). Regarding **claim 8**, note the second wall portion can be formed into a shape so as to have one transverse line on each of upper and lower sides of the cover body (Drawing 1(a), element 3b), and the first wall portion is formed into a shape so as to have one longitudinal line on each of left-hand and right-hand sides of the cover body (drawing 1(a)); wherein a third wall portion which is thin and which is not formed along the groove portion is formed into a shape so as to have one transverse line (Drawing 1(a), element 3a) in a central portion of the cover body; and wherein the first and third wall portions are formed into an H-shape (see page 2, paragraph 0018).



***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 6, 7 and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over each of Shiraki (5,069,477) and Hiramitsu et al. (5,330,223) and Saito (JP 10-076544).

Shiraki and Hiramitsu et al. and Saito all disclose a panel for an airbag of an automobile formed by integrally two-color molding a cover body made of a first synthetic resin with a main body made of a second synthetic resin which is harder than the first synthetic resin material, the panel comprising: a joint portion joined with the cover body provided around an opening portion formed in the main body, wherein the joint portion constitutes an overlapping portion in which an outer peripheral edge of the cover body overlaps and is provided on the inner side of an opening edge of the main body and the overlapping portion is welded together in two-color molding in the main body with the cover body and further discloses a first wall portion and a second wall portion as well as a groove portion (all which are pointed out above). However, Shiraki and Hiramitsu et al. and Saito each fail to disclose the first and second wall portions being of different shapes i.e. a quadrilateral, two quadrilaterals, one transversal line, and one longitudinal line.

Normally, it is to be expected that a change in shape of the first and second wall portions would be an unpatentable modification. Under some circumstances, however, changes such as shape may impart patentability to a product if the particular shape claimed produces a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. *In re Dailey et al*, 149 USPQ 47 CCPA 1966.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the first and second wall portions noted in Shiraki, Hiramitsu et al and Saito to a longitudinal line, a transversal line, a quadrilateral, and two quadrilaterals. One skilled in the art would have been motivated to do so in order to form a panel for an airbag, since it has been held that the change in form or shape of the thin and non-thin wall portion would be an unpatentable modification absence of showing unexpected results.

12. **Claims 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over each of Shiraki (5,069,477) and Hiramitsu et al. (5,330,223) and Saito (JP 10-076544) in view of Ido (JP 07-061310).

Shiraki and Hiramitsu et al. and Saito all disclose a panel for an airbag of an automobile formed by integrally two-color molding a cover body made of a first synthetic resin with a main body made of a second synthetic resin which is harder than the first synthetic resin material, the panel comprising: a joint portion joined with the cover body provided around an opening portion formed in the main body, wherein the joint portion constitutes an overlapping portion in which an outer peripheral edge of the cover body overlaps and is provided on the inner side of an opening edge of the main body and the overlapping portion is welded together in two-color molding in the main body with the cover body (as shown above). However, Shiraki and

Hiramitsu et al. and Saito each fail to disclose a deformation restricting portion. Ido teaches that it is old and well-known in the air bag art to have a deformation restricting portion constituted of a convex strip (Drawing 1, #13a) for the purpose of producing a panel for an air bag of an automobile.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided a deformation restricting portion in each of Shiraki, Hiramitsu et al. and Saito as suggested by Ido in order to produce a panel for an air bag of an automobile.

#### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 3, 5-17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

14. Claim 20 is allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest the recited "interrupting a portion between a first cavity portion for forming a first member and a second cavity portion for forming a second member by allowing the core to project and contact an opposite one of the male or female die" and the recited "forming a communicating portion between the first and second cavity portions by retreating the core".

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CAS*

Catherine Simone  
Examiner  
Art Unit 1772  
March 16, 2004

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*1772*

*3/19/04*